UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

D. R. HORTON, INC.

and

Case 12-CA-25764

MICHAEL CUDA

NOTICE AND INVITATION TO FILE BRIEFS

On January 3, 2011, Administrative Law Judge William N. Cates issued a decision in the above-captioned case, which presents the following issue:

Did the Respondent violate Section 8(a)(1) of the Act by maintaining and enforcing its Mutual Arbitration Agreement, under which employees are required, as a condition of employment, to agree to submit all employment disputes to individual arbitration, waiving all rights to a judicial forum, where the arbitration agreement further provides that arbitrators will have no authority to consolidate claims or to fashion a proceeding as a class or collective action?

The judge declined to conclude that the Respondent thus violated Section 8(a)(1). The Acting General Counsel filed exceptions and a supporting brief, the Respondent filed an answering brief, and the Acting General Counsel filed a reply brief.

Interested amici are invited to file briefs not exceeding 25 pages in length with the Board in Washington, D.C. on or before July 20, 2011, addressing the above-stated issue. The parties may file responsive briefs on or before August 3, 2011, which shall not exceed 10 pages in length. No other responsive briefs will be accepted. The parties and amici should file briefs electronically at http://mynlrb.nlrb.gov/efile. If assistance is needed in filing through http://mynlrb.nlrb.gov/efile, please contact the undersigned.

Dated, Washington, D.C., June 16, 2011

By direction of the Board:

Lester A. Heltzer Executive Secretary

¹ The judge concluded, however, that the Respondent violated Sec. 8(a)(4) and (1) because, he found, employees would reasonably read the arbitration agreement as barring them from filing charges with the Board; and the Respondent has excepted. The Board does not invite briefs on this issue